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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/008,958

12/05/2001

Miki Sasaki

5427

26021

7590

05/25/2004

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EXAMINER

HA, NATHAN W

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,958

Applicant(s)

SASAKI ET AL.

Examiner

Nathan W. Ha

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(f) he did not himself invent the subject matter sought to be patented.

2. Claims 1-2 and 4-13 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter. For example, the Applicant's Admitted prior Art, AAPA, includes all claimed limitations as described below.

In regard to claims 1 and 11, in fig.1, the AAPA discloses a semiconductor device comprising:

a dicing region 103 provided on a semiconductor substrate 101 to separate a plurality of semiconductor chips each having a gate portion from each other;

a plurality of element isolation regions, included in region 104, provided on a surface portion on the semiconductor substrate within the dicing region;

a plurality of first dummy patterns 114-116 formed on a surface of the semiconductor substrate so as to correspond to intervals of the plurality of element isolation regions, respectively; and

a plurality of second dummy patterns 123 and 127 formed above the semiconductor substrate within the dicing region so as to correspond to the plurality of first dummy patterns, respectively.

In regard to claims 2 and 13, wherein the dummy pattern has a wiring structure which is substantially equal to that of the gate portion. See fig. 1.

In regard to claim 4 wherein the plurality of first dummy patterns each have a structure which is substantially similar to that of the first gate portion. See fig. 1.

In regard to claim 5, wherein the plurality of first dummy patterns and the gate portions each have a laminated structure including a gate oxide film, a polysilicon film, a WSi film, and a SiN film. See the discussion of the AAPA, page 9.

In regard to claim 6, wherein the plurality of element isolation regions each have an STI structure 112, for example.

In regard to claim 7, figure 1 shows only a portion of the whole wafer. Therefore, the whole wafer should disclose this structure repeatedly.

In regard to claims 8-9, wherein the plurality of second dummy patterns include at least protection films provided on the surface of the semiconductor substrate, not numbered. See fig. 1.

In regard to claim 10, wherein the dummy pattern is formed along a dicing direction, in region 137.

In regard to claim 12, wherein the dummy pattern is formed concurrently with formation of the gate portion. See fig.1.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2 and 4-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan W. Ha whose telephone number is (571) 272-1707. The examiner can normally be reached on M-TH 8:00-7:00(EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Nathan Ha
May 18, 2004



LONG PHAM
PRIMARY EXAMINER